

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND**

DAVID J. LOWE  
25 Hampton Lane  
Willingboro, New Jersey 08046

Case No:

Plaintiff

vs.

EDGAR EULISES HERNANDEZ LIZAMA  
18305 GARDENIA WAY  
Gathersburg, Maryland 20879

JLADA J. STOLTZFUS  
738 Maple Grove Road  
New Holland, Pennsylvania 17557

WATERLOO STRUCTURES, LLC  
3898 W Lincoln Hwy  
Parkesburg, Pennsylvania 19365

Serve:  
Registered Agents Inc  
502 W 7th Street  
Suite 100  
Erie, Pennsylvania 16512

Defendants.

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**COMPLAINT**

COMES NOW the Plaintiff, DAVID J. LOWE by and through his counsel, Christopher M. FitzPatrick, Esq. and Morgan & Morgan, DC, PLLC, brings this cause of action against the Defendants, EDGAR EULISES HERNANDEZ LIZAMA, JADA J. STOLTZFUS and WATERLOO STRUCTURES, LLC on the grounds and in the amounts set forth herein.

### **PARTIES**

1. Plaintiff, DAVID J. LOWE is a citizen of the United States and under no legal disability and a resident of Willingboro, New Jersey.

2. Defendant, EDGAR EULISES HERNANDEZ LIZAMA under knowledge, information and belief is a citizen of the United States and a resident of the state of Maryland and was operating a vehicle owned by his employer registered in the state of Missouri.

3. Defendant, JDA J. STOLTZFUS under knowledge, information, and belief, is a citizen of the United States and a resident of New Holland, Pennsylvania under no legal disability.

4. Defendant, WATERLOO STRUCTURES, LLC is a Pennsylvania Corporation transacting business in the state of Maryland.

### **JURISDICTION AND VENUE**

5. Jurisdiction is vested in this Court under the diversity statute under 28 U.S.C. Sec 1332 based on the diversity of the parties' state residences and place of business and the amount in controversy exceeds \$75,000.

6. Venue is proper in this court pursuant to 28 U.S.C. Sec 1391(b) (1) as the Defendant, EDGAR EULISES HERNANDEZ LIZAMA resides in Gaithersburg, Maryland. This court also has jurisdiction over Defendant EDGAR EULISES HERNANDEZ LIZAMA because he resides in Maryland and his vehicle is also registered in Maryland.

### **FACTS**

7. On or about June 16, 2021, at approximately 5:13 p.m. 2021, Plaintiff, DAVID J. LOWE was lawfully operating his vehicle that was registered in the state of Missouri on Interstate 495-N in Fairfax County, Virginia.

8. At the same time, The Defendant JADA J. STOLTZFUS was proceeding Northbound as

well on Interstate -495 N when suddenly and without warning the Defendant's commercial truck rear ended the Plaintiff's vehicle causing physical bodily injury to the Plaintiff. Defendant EDGAR EULISES HERNANDEZ LIZAMA's was operating his respective vehicle in an unsafe and negligent manner prior to the first impact which contributed to the second impact between Plaintiff's vehicle and Defendant's vehicle.

9. At all times hereinafter, the Defendant, JADA J. STOLZFUS was at the time of this automobile collision working within the scope of his employment for his employer, DEFENDANT, WATERLOO STRUCTURES, LLC when he committed these acts and or omissions of negligence.

10. Pursuant to Respondeat Superior, DEFENDANT WATERLOO STRUCTURES, LLC is responsible and liable for the acts and or omissions of negligence.

11. The aforementioned collision occurred as the proximate result of the negligent conduct of all the Defendants, EDGAR EULISES HERNANDEZ LIZAMA, JADA J. STOLZFUS and WATERLOO STRUCTURES, LLC.

12. At all times relevant, Plaintiff was free of any contributory negligence as to the cause of the collision and the injuries sustained. Likewise, Plaintiff did not assume the risk of injury.

13. As a result of this automobile crash, the Plaintiff DAVID J. LOWE sustained physical bodily injury and has sustained past pain and suffering, past medical expenses and lost earnings, and will incur future medical expenses and future pain and suffering and loss of enjoyment of life.

**COUNT I NEGLIGENCE AGAINST DEFENDANT EDGAR EULISES**

**HERNANDEZ LIZAMA**

Plaintiff re-pleads and incorporates by reference paragraphs No. 1 through paragraph No. 13 of this Complaint fully as if the allegations were set forth fully herein and further states:

14. Defendant EDGAR EULISES HERNANDEZ LIZAMA had a duty to operate his vehicle in

a careful and safe manner.

15. The Defendant EDGAR EULISES HERNANDEZ LIZAMA breached his duties of care by:

- a. failing to maintain control of his vehicle;
- b. failing to use reasonable care when operating his vehicle;
- c. failing to obey traffic laws;
- d. failing to take steps to avoid causing a collision;
- e. failing to generally operate his vehicle in a safe, reasonable, and prudent manner and was otherwise negligent.

**COUNT II – NEGLIGENCE AS AGAINST DEFENDANTS JADA J. STOLTZFUS  
AND WATERLOO STRUCTURES, LLC**

Plaintiff re-pleads and incorporates by reference paragraphs No. 1 through paragraph No. 15. of this Complaint fully as if the allegations were set forth fully:

16. The Defendant JADA J. STOLTZFUS had a duty to operate his vehicle in a careful and safe manner.

17. The Defendant breached his duties of care by:

- a. failing to keep a safe and proper distance from Plaintiff's vehicle.
- b. failing to maintain control of his vehicle;
- c. failing to use reasonable care when operating his vehicle;
- d. failing to obey traffic laws;
- e. failing to safely operate his vehicle at a reasonable rate of speed;
- f. failing to keep a proper lookout;
- g. failing to take steps to avoid causing a collision;

- h. failing to generally operate his vehicle in a safe, reasonable, and prudent manner; and  
other in a fully alert manner.

**DAMAGES AND AD DAMNUM**

- 18. As a direct and proximate result of the above-described breaches of duties, Plaintiff, DAVE LOWE was caused to suffer serious injury to his person, to include pain and suffering, emotional distress, loss of enjoyment of life, loss of opportunity, permanent physical impairment, disfigurement, lost wages, past and future, medical expenses, past and future, and other damages, with no negligence or lack of due care on her part contributing thereto.
- 19. The aforementioned damages are permanent and continuing in nature.

**WHEREFORE,** Plaintiff, DAVE LOWE respectfully requests that this Court grant judgment in favor of Plaintiff for a personal injury action of and against Defendant, in the amount greater than the minimum diversity requirement of \$75,000 of this court and for compensatory damages and for such other amounts permitted by law as well as interest from June 16, 2021, and attorneys' fees and costs, or such other amounts as permitted by law and for such further relief as this Court deems just and proper.

**PRAYER FOR A JURY TRIAL**

Plaintiff, by and through the undersigned counsel, hereby requests a jury trial on all triable issues in the above-captioned matter.

Respectfully submitted,

/s/ Christopher M. FitzPatrick  
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